

Sec. 7970.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on April 27, 2017: Yeas 141, Nays 3, 3 present, not voting; passed by the Senate on May 4, 2017: Yeas 30, Nays 1.

Filed without signature May 18, 2017.

Effective May 18, 2017.

**CREATION OF THE TRINITY LAKES MUNICIPAL UTILITY
DISTRICT OF MONTGOMERY COUNTY; GRANTING A
LIMITED POWER OF EMINENT DOMAIN; PROVIDING
AUTHORITY TO ISSUE BONDS; PROVIDING AUTHORITY TO
IMPOSE ASSESSMENTS, FEES, AND TAXES**

CHAPTER 16

H.B. No. 2134

AN ACT

relating to the creation of the Trinity Lakes Municipal Utility District of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7971 to read as follows:

**CHAPTER 7971. TRINITY LAKES MUNICIPAL UTILITY DISTRICT OF
MONTGOMERY COUNTY**

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7971.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Trinity Lakes Municipal Utility District of Montgomery County.

Sec. 7971.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7971.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7971.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7971.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7971.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) *The district is created to serve a public purpose and benefit.*

(b) *The district is created to accomplish the purposes of:*

(1) *a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and*

(2) *Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.*

Sec. 7971.006. INITIAL DISTRICT TERRITORY. (a) *The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.*

(b) *The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:*

(1) *organization, existence, or validity;*

(2) *right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;*

(3) *right to impose a tax; or*

(4) *legality or operation.*

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7971.051. GOVERNING BODY; TERMS. (a) *The district is governed by a board of five elected directors.*

(b) *Except as provided by Section 7971.052, directors serve staggered four-year terms.*

Sec. 7971.052. TEMPORARY DIRECTORS. (a) *On or after September 1, 2017, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.*

(b) *Temporary directors serve until the earlier of:*

(1) *the date permanent directors are elected under Section 7971.003; or*

(2) *September 1, 2021.*

(c) *If permanent directors have not been elected under Section 7971.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:*

(1) *the date permanent directors are elected under Section 7971.003; or*

(2) *the fourth anniversary of the date of the appointment or reappointment.*

(d) *If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.*

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7971.101. GENERAL POWERS AND DUTIES. *The district has the powers and duties necessary to accomplish the purposes for which the district is created.*

Sec. 7971.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. *The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.*

Sec. 7971.103. AUTHORITY FOR ROAD PROJECTS. *Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for,*

improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7971.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7971.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7971.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 7971.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7971.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7971.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7971.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7971.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7971.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7971.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total

principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Trinity Lakes Municipal Utility District of Montgomery County initially includes all the territory contained in the following area:

BEING 93.40 acres (4,068,654 square feet) of land, all of the Remainder of a called 48.935 acres, conveyed to David Randall and Sandy Randall, by deed recorded under County Clerk's File Number (C.F.) 2006-032388 Official Public Records of Montgomery County, Texas (O.P.R. M.C.T.) and all of a called 41.296 acres, conveyed to HB American Group, Inc., by deed recorded under C.F. 2016019830 O.P.R. M.C.T. and part of FM 2432, 100' Public right-of-way (R.O.W.) lying adjacent to said Remainder and 41.296 acres, said 93.40 acre tract lying in the G.W. Lonis Survey, Abstract 313, Ranson Tillons Survey, Abstract 580, Henry Alston Survey, Abstract 59, William Hobdy Survey, Abstract 285, John Wilkerson Survey, Abstract 630 and the Jacob Eberly Survey, Abstract 196 and being more particularly described by metes and bounds as follows:

BEGINNING at a found $\frac{1}{2}$ inch iron pipe with Texas State Plane Coordinates, Texas Central NAD 83, Northing 10146503.586, Easting 3840038.421, in the north right-of-way (R.O.W.) of FM 2432, 100' Public R.O.W., marking the common corner of Lots 45 and 46, Block 4, Texas National, Section 5, recorded under Cabinet B, Sheet 117 Map Records of Montgomery County, Texas (M.R. M.C.T.), also being the southeast corner of said Remainder and the herein described tract;

THENCE along a curve to the right and said north R.O.W., having a radius of 2,898.08 feet, a delta angle of $13^{\circ} 16' 47''$, and whose long chord bears South $60^{\circ} 59' 41''$ West a distance of 670.20 feet to a point of curvature of the herein described tract;

THENCE along a curve to the right and said north R.O.W., having a radius of 3,808.23 feet, a delta angle of $03^{\circ} 10' 00''$, and whose long chord bears South $52^{\circ} 49' 16''$ West a distance of 210.45 feet to a concrete monument, marking a point of tangency of the herein described tract;

THENCE South $50^{\circ} 40' 39''$ West, along said north R.O.W., a distance of 133.24 feet to a point for corner, marking the east corner of the herein described tract;

THENCE South $40^{\circ} 10' 22''$ West, over and across said R.O.W., a distance of 100.00 feet to a found $\frac{1}{2}$ inch iron rod, marking the most northerly corner of a cut-back, from which a TX-DOT Disk bears South $46^{\circ} 51' 32''$ East, a distance of 8.68 feet;

THENCE South $03^{\circ} 17' 08''$ East, along said cut-back, a distance of 12.46 feet to a set $\frac{5}{8}$ inch iron rod with cap "Landpoint 10194172" in the northwest R.O.W. of Seven Coves Road, public R.O.W. varies, marking the most southerly corner of said cut-back;

THENCE South $40^{\circ} 31' 14''$ West, along said northwest R.O.W., a distance of 593.57 feet (called 596.05') to a TX-DOT Disk, marking the southeast corner of a called 15.5382 acres, conveyed to Wes Schubert and Spouse Stephanie Schubert, by deed recorded C.F. 2012085128 O.P.R. M.C.T., from which a TX-DOT Disk, bears North $69^{\circ} 55' 16''$ East, a distance of 0.56 feet;

THENCE North $03^{\circ} 28' 49''$ West, along the east line of said 15.5382 acres, a distance of 28.81 feet (called 29.99') to a found $\frac{5}{8}$ inch iron rod, marking the northeast corner of said 15.5382 acres, also being an internal corner of the herein described tract, from which a found $\frac{1}{2}$ inch iron rod with cap, bears South $10^{\circ} 17' 27''$ East, a distance of 0.82 feet;

THENCE South $86^{\circ} 35' 29''$ West, along the north line of said 15.5382 acres, a distance of 2167.33 feet (called 2,166.51') to a found $\frac{1}{2}$ inch iron rod in the east R.O.W. of Farrell Road, 60' Public R.O.W., marking the northwest R.O.W. of said 15.5382 acres, also being the southwest corner of the herein described tract;

THENCE North $02^{\circ} 41' 49''$ West, along said east R.O.W., a distance of 728.95 feet (called 731.20') to a found $\frac{1}{2}$ inch iron rod with cap, marking the southwest corner of a called 6.368 acres, conveyed to Ehlers Management, Inc., by deed recorded under C.F. 2014005771 O.P.R. M.C.T., also being the northwest corner of the herein described tract;

THENCE North 86°24'55" East, passing at a distance of 1019.11 feet along the south line of said 6.368 acres, a called 5.00 acres, conveyed to Gary D. Kiddy and Diana K. Kiddy, by deed recorded under C.F. 9895647 O.P.R. M.C.T. and a called 4.463 acres, conveyed to Don Robinson and wife, Eileen Robinson, by deed recorded under C.F. 99013144 O.P.R. M.C.T. to a found $\frac{5}{8}$ inch iron rod, marking the common corner of said 4.463 acres and a called 3.168 acres, conveyed to Allen P. Mott Jr. and Marla J. Mott, by deed recorded under C.F. 2016002862 O.P.R. M.C.T. and continuing for a total distance of 1065.58 feet (called 1,071.09') to a found $\frac{1}{2}$ inch iron rod, marking an angle point of the herein described tract;

THENCE North 86°07'33" East, along the south line of said 3.168 acres, a distance of 247.75 feet to a found $\frac{1}{2}$ inch iron rod, marking the common corner of said 3.168 acres and a called 1.6722 acres, conveyed to Arlene Elizabeth Buchanan Drawdy, by deed recorded under C.F. 9536359 O.P.R. M.C.T., marking an angle point of the herein described tract;

THENCE North 85°36'58" East, along the south line of said 1.6722 acres passing at a distance of 186.38 feet a found $\frac{5}{8}$ inch iron rod, being the common corner of said 1.6722 acres and 2.1691 acres and continuing for a total distance of 204.50 feet to a set $\frac{5}{8}$ inch iron rod with cap "Landpoint 10194172", marking an angle point of the herein described tract;

THENCE North 88°29'58" East, along the said south line of 2.1691 acres, a distance of 299.26 feet to a found 2 inch iron pipe, marking the southeast corner of said 2.1691 acres, also being an internal corner of the herein described tract;

THENCE North 03°15'20" West, along the east line of said 2.1691 acres, a distance of 230.63 feet (called 229.79') to a found $\frac{1}{2}$ inch iron rod in said south R.O.W., marking the north corner of said 41.296 acres;

THENCE along a curve to the left and said north R.O.W., having a radius of 2,819.17 feet, a delta angle of 09° 12' 35", and whose long chord bears North 71°21'11" West a distance of 452.66 feet to a concrete monument in the north line of said 1.6722 acres, also being a point tangency of the herein described tract;

THENCE North 75°39'54" West, along said south R.O.W., a distance of 346.79 feet to a point for corner in the north line of said 3.168 acres, marking an external corner of the herein described tract;

THENCE North 03°42'57" West, over and across said FM 2432, passing at a distance of 105.18 feet a found $\frac{3}{8}$ inch iron rod, marking the common corner of said Remainder and a called 6.000 acres, conveyed to Kent D. Conaster and wife, Tamara M. Conaster, by deed recorded under C.F. 9738800 O.P.R. M.C.T., continuing for a total distance of 836.69 feet to a found $\frac{3}{8}$ inch iron rod, marking the northeast corner of said 6.000 acres, also being an internal corner of said Remainder and the herein described tract;

THENCE South 88°16'11" W, along the north line of said 6.000 acres and a called 3.003 acres, conveyed to Nathan Palmer and Kimberly Palmer, by deed recorded under C.F. 2006-095132 O.P.R. M.C.T., passing at a distance of 386.80 feet a found $\frac{1}{2}$ inch iron rod, marking the common corner of said 6.000 acres and said 3.003 acres and continuing for a total distance of 421.35 feet to a found $\frac{1}{2}$ inch iron pipe and a found $\frac{5}{8}$ inch iron rod, marking an angle point of said 3.003 acres, the common corner of Lot 18 and 19, Block 1, Texas National, Section 1, recorded under Cabinet A, Sheet 189 M.R. M.C.T., also being the most northerly southwest corner of said Remainder and the herein described tract;

THENCE North 02°44'12" West, along east line of said Lot 18 and 19, Block 1 and Lots 29 thru 43, the Amending Plat of Texas National Country Club Homes, by deed recorded under Cabinet A, Sheet 190 M.R. M.C.T., a distance of 1129.53 feet to a set $\frac{5}{8}$ inch iron rod with cap "Landpoint 10194172", marking the southwest corner of a called 0.797 acres, conveyed to The C.L. McIlvain Family Trust, by deed recorded under C.F. 2008-088344 O.P.R. M.C.T., also being the northwest corner of the herein described tract;

THENCE North 87°02'59" East, along the south line of said 0.797 acres, a distance of 235.39 feet to a point for corner, marking the southeast corner of said 0.797 acres, also

being an internal corner of the herein described tract, from which a found $\frac{1}{2}$ inch iron rod with cap, bears South 55°38' 33" West a distance of 0.49 feet;

THENCE North 02°44'12" West, along the east line of said 0.797 acres, a distance of 147.47 feet to a found $\frac{1}{2}$ inch iron, marking the common corner of Lots 3 and 4, Block 4, Texas National, Section 2, recorded under Cabinet B, Sheet 35 M.R. M.C.T., also being an external corner of the herein described tract;

THENCE North 87°02'59" East, along Lot 4 thru 15, said Block 4, Texas National, Section 2, passing at a distance of 75.00 feet a found $\frac{1}{2}$ inch iron, marking the common corner of said Lots 4 and 5, passing at a distance of 525.10 feet a found $\frac{1}{2}$ inch iron, marking the common corner of said Lots 10 and 11, passing at a distance of 600.10 feet a found $\frac{1}{2}$ inch iron, marking the common corner of said Lots 11 and 12, passing at a distance of 675.00 feet a found $\frac{1}{2}$ inch iron, marking the common corner of said Lots 12 and 13, passing at a distance of 755.00 feet a found $\frac{1}{2}$ inch iron, marking the common corner of said Lots 13 and 14 and continuing for a total a distance of 918.50 feet to a found $\frac{1}{2}$ inch iron pipe in the west line of Lot 17, said Block 4, Texas National, Section 2, marking the southeast corner of said Lot 15, also being the northeast corner of said Remainder and the herein described tract;

THENCE South 03°30'52" East, along the west line of Lots 17 thru 28, Block 4, Texas National, Section 2 and Lots 29 thru 45, said Block 4, Texas National, Section 5, a distance of 2279.72 feet to a found $\frac{1}{2}$ inch iron pipe, being said southeast corner of said Remainder and the POINT OF BEGINNING and containing a computed 93.40 acres (4,068,654 square feet) of land.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7971, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7971.106 to read as follows:

Sec. 7971.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect September 1, 2017.

Passed by the House on April 27, 2017: Yeas 141, Nays 3, 3 present, not voting; passed by the Senate on May 4, 2017: Yeas 30, Nays 1.

Filed without signature May 18, 2017.

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